



COUNTY OF SISKIYOU COUNTY ADMINISTRATIVE OFFICE

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September 1, 2009

Honorable Laura Masunaga
Siskiyou County Superior Court
POB 488
Yreka, CA 96097

Dr. Larry Friedman, Foreman
Siskiyou County Grand Jury
POB 488
Yreka, CA 96097

Subject: 2009 Siskiyou County Grand Jury Report

Dear Judge Masunaga, Mr. Foreman and Members of the Grand Jury:

The Office of the County Administrator would like to thank the Grand Jury for the opportunity to comment on several findings and recommendations in the 2009 Siskiyou County Grand Jury Report.

Please find the following official responses submitted from the County of Siskiyou. The attached responses include all County departments with the exception of elected department heads.

Please contact our office if you have any questions or concerns.

Sincerely,



Brian McDermott,
County Administrator

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SISKIYOU

Fish & Game Money Missing

Civil Grand Jury Finding #6:

During the implementation of GASB-34 in 2002, the County Auditor identified irregularities and/or code violations in account #212220. Due to these apparent irregularities, the account was closed.

Response from the CAO:

The CAO neither agrees nor disagrees with this finding. The CAO does not have first hand knowledge of what actions were taken by the County Auditor in 2002.

Civil Grand Jury Finding #7:

One of the responsibilities of the Auditor/Controller is to identify and distribute revenues according to the relevant codes. At the time of the closure on June 11, 2002, account #212220 had a balance of \$25,043.46. The Auditor re-distributed the revenue remaining in the fund to the State Department of Fish and Game, the County Fish and Game Commission, and the DA's Office.

Response from the CAO:

The CAO neither agrees nor disagrees with this finding. The CAO does not have firsthand knowledge of what actions were taken by the County Auditor in 2002.

Civil Grand Jury Finding #9:

During the Grand Jury's investigation, the Auditor's office reopened the incomplete audit of account #212220. This internal audit has taken from 2002 to 2009. It is unacceptable that this audit has taken seven (7) years.

Response from the CAO:

The CAO agrees with this finding.

Civil Grand Jury Finding #10:

Several department heads and fiscal personnel have been involved in misunderstandings, misrepresentations, and hostility over this account. This internal struggle has cost the County significant wasted time and energy.

Response from the CAO:

The CAO agrees with this finding.

Civil Grand Jury Recommendation #6:

The Auditor's office should continue to follow legally defined procedures, to establish financial accounts within public scrutiny and make disbursements accordingly to the legally defined codes.

Response from CAO:

The CAO agrees with this recommendation.

Civil Grand Jury Recommendation #7 & #8 :

The local office of the State Fish and Game Dept, the County F&G Commission, and the DA's office should acknowledge the receipt of their portion of the \$25,043.46 from the redistributed "Environmental Trust Fund", also known as account #212220. Respective departments receiving the internal audit determinations and the 2002 redistributions should acknowledge in writing to the Auditor the receipt of this information. These determinations should be professionally accepted. However, if there are any challenges to these determinations, they should be written with relevant supporting documentation of the court cases, codes, and violations that support different distributions.

Response from CAO:

The CAO agrees with the recommendation.

Civil Grand Jury Recommendation #9:

Financial problems should be resolved quickly. Internal audits should be completed in a timely manner. Findings of audits should be provided with clear explanations to all involved departments. Departments being audited should cooperate with the requested information in a timely manner.

Response from CAO:

The CAO agrees with this recommendation.

Civil Grand Jury Recommendation #10:

The BOS should direct the County Administrative Officer to develop an inter-departmental grievance procedure and/or committee. These types of disputes should be resolved in a timely manner thereby saving the County money in wasted employee time.

Response from CAO:

The CAO will develop a procedure that hopefully will resolve these disputes in a timely manner. Unresolved disputes will be taken to the Board of Supervisors for further direction.

Ineffective Government

Civil Grand Jury Finding #3:

The BOS created a new Budget Analyst position; however, the Board did not fund the new position. The Grand Jury's investigation indicates an immediate need for additional fiscal oversight, fiscal understanding, problem solving and guidance.

Response from CAO:

The CAO agrees with this finding.

Civil Grand Jury Finding #4:

Interviews with the Grand Jury supported evidence of interdepartmental gossip, collusion and undermining conduct. Observed communications were unacceptable.

Response from the CAO:

The CAO agrees with this finding.

Civil Grand Jury Finding #5:

The financial accounting support for dependent departments from the Auditor's Office appears to be inconsistent and unreliable. Some departments reported a lack of timely processes, a lack of consistent explanations and negative interactions. Thorough communication between department fiscal personnel and the Auditor's management team is essential.

Response from the CAO:

The CAO agrees with this finding.

Response from the Asst CAO:

The Asst CAO agrees with this finding.

Civil Grand Jury Finding #10:

Two (2) of the three (3) people with full access to the County's financial accounting program are in the Auditor's Office. This limitation of access may cause individuals to construe secrecy, manipulation of funds, and/or hiding of information. A Banner Access Request Form is available for department fiscal technicians to request additional access.

Response from the CAO:

The CAO agrees with this finding.

Civil Grand Jury Recommendation #3:

The Board of Supervisors should promptly fund the position of a Budget Analyst in the County Administrator's Office even though these are difficult financial times.

Response from the CAO:

The CAO agrees with this recommendation.

Civil Grand Jury Recommendation #4:

The County Administrative Officer should require mature objective conduct, respectful language, and cooperation among department heads and staff to achieve the common goal of conducting the people's business. Issues should be resolved through accepted processes.

Response from the CAO:

The CAO agrees with this recommendation and will encourage respect and cooperation among county staff and department heads. This can however be challenging with elected officials and Department Heads, as they do not take direction from the CAO.

Civil Grand Jury Recommendation #5:

The CAO should form an inter-departmental Fiscal Tech Committee including an Auditor's management person and the Budget Analyst. This committee should be on going and be chaired by the Asst CAO. The intent of the committee is to provide support for the County's departmental fiscal personnel by allowing free participation in discussing issues, provide a collective vehicle for communication and the development of recommendations for the Auditor. Courteous, respectful, and service-oriented exchanges should be the rule. The Auditor and CAO should act on their recommendations.

Response from the CAO:

The CAO agrees to establish an inter-departmental Fiscal Tech Committee to provide support and allow discussions to make recommendations for the Auditor. The Auditor is an elected position and therefore, has the freedom and independence to accept or disregard any of the recommendations of the committee.

Response from the Assistant CAO:

The Asst CAO agrees to Chair the committee, if established. The Asst CAO commits to working with the committee and the Auditor's office.

Civil Grand Jury Recommendation #10:

The Board of Supervisor's Financial Committee, the County Administrator's new Budget Analyst, and the new Fiscal Tech Committee should evaluate Banner access policies and recommend if additional oversight access is needed.

Response from the CAO:

The CAO agrees with this finding.

Grand Jury Resource Library

Civil Grand Jury Finding #1:

The CAO, Public Defender, Public Works Dept, Behavioral Health Services and the Tax Collector/Treasurer do not have their own Procedures and Policy manual. They use the County Procedures and Policy manual.

Response from the CAO:

The CAO agrees with this finding.

Response from Public Works Director:

In the report it is stated under finding F1 that "the Public Works Department does not have their own Procedures and Policy manual."

It further states "they use the County Procedures and Policy manual." To further clarify what this means the Public Works Department follows codes and policies of the County, State, and Federal government that are relevant to our operation. These include the following:

- Siskiyou County Personnel Policies
- Employee MOU/Contracts
- Siskiyou County Code
- Federal DOT Program
- County of Siskiyou Drug and Alcohol Testing Policy
- Employer – Employee Relations Policy
- Siskiyou County Electronic Communication Usage Policy
- Cash Handling Policy
- Credit Card Policy
- Injury and Illness Prevention Program
- Guidelines for Submitting Personnel Items
- Siskiyou County Travel Policy

With respect to finding F1 I would partially disagree. There is an existing Public Works Policy Binder. Upon review however I find it to be outdated and to have outlived its useful purpose.

Response from Director of Behavioral Health Services:

See response to #R1 below.

Response from Public Defender:

The Grand Jury Report reflects a finding that the Public Defender should have a Policy and Procedure Manual supplementing the one provided by the County. I do

not feel that we need to have a supplemental manual since the policies and procedures which are unique to criminal defense providers are governed by statute, case law, rules of court, or State Bar Guidelines. All other areas are covered by the County's Manual.

Response from General Services Manager:

F1 – states that Public Works (now two separate Departments, "Public Works and General Services" does not have their own Procedure and Policy manual. Instead they sue the County Procedures and Policy Manual. This is correct; the Department of General Services actually uses the following Siskiyou County Procedural/Policies manuals:

- Employer-Employee Relations Policy
- Electronic Communication Usage Policy
- Cash Handling Policy
- Travel Policy
- Credit Card Policy
- Personnel Policies
- Employee MOU/Contracts
- County Code
- Injury & Illness Prevention Program
- DOT program
- Guidelines for Submitting Personnel Items

Currently, the department does not have a need to create additional manuals nor supplements to the said manuals. We find the current County manuals satisfactory for our operational needs.

Civil Grand Jury Finding #2:

The Department of Agriculture does not have a Procedures and Policy manual. Some portions of Public Health and Community Development do not have a Procedures and Policy manual.

Response from Agriculture Commissioner:

Disagree. Department of Agriculture does have a policy and procedures manual, which will be provided to the Grand Jury. Updating of said manual will commence upon the return of the manuals, as time and resources allow.

Response from Director of Public Health & Community Development Department:

The Director of Public Health & Community Development Department concurs with this finding. Some divisions do not have policy and procedure manuals. It should be noted that these division do use the County Policy and Procedure Manual.

Civil Grand Jury Finding #3:

Behavioral Health Services, the District Attorney, the Planning Department, the Probation Department and the Public Health Department did not initially respond to the written requests of the Grand Jury. All departments except Behavioral Health Services supplied some or all of the information after a second request.

Response from Director of Behavioral Health Services:

See response to #R3 below.

Civil Grand Jury Recommendation #1:

The CAO, Public Defender, Public Works Dept, Behavioral Health Services and the Tax Collector/Treasurer who use the County manual should write a supplement Procedure and Policy manual for their department.

Response from the CAO:

All County Departments, including those listed in recommendation #1, utilize the following County procedures:

- Employer-Employee Relations Policy
- Electronic Communication Usage Policy
- Cash Handling Policy
- Travel Policy
- Credit Card Policy
- Personnel Policies
- Employee MOU/Contracts
- County Code
- Injury & Illness Prevention Program
- DOT program
- Guidelines for Submitting Personnel Items
- Additionally, we are in the process developing a contract procedure which we will provide to the Grand Jury once completed.

The CAO office can provide the above noted policies to the Grand Jury at any time upon your request. Additional policies will be implemented as necessary or as directed by the Board of Supervisors.

With regard to the Personnel Procedures, the Personnel Officer prefers Department's utilize the County policy and not develop supplements or Department specific Personnel Procedures in order to avoid potential conflicts or issues with Union represented employees.

Response from Public Works Director:

In response to recommendation R1 we do not currently have a need to compile an additional manual or supplement to the already existing policy manuals and

guidelines listed above to meet our operational needs. We are however proposing to compile those existing internal operational policy memos that are unique and relevant only to our operation in a repository on our Public Works website that will be updated as necessary and made available to our employees. I appreciate the opportunity to both review and respond to the findings and recommendations of subject report.

Response from Director of Behavioral Health Services:

Pursuant to 933.05(b), the findings and ensuing recommendation (R1) will not be implemented because Behavioral Health Services (BHS) is governed by State and Federal mandates as well as County policy. Behavioral Health Services cannot develop separate personnel policies because the County Board of Supervisors directs Personnel Policy in accordance with any County Codes and Memorandums of Understanding (MOU) with employee unions.

Civil Grand Jury Recommendation #2:

The Department of Agriculture as well as Public Health and Community Development should create a Procedures and Policy manual for their department.

Response from Agriculture Commissioner:

Department will implement as stated above in response to F2.

Response from Director of Public Health & Community Development Department:

The Department has not yet implemented the recommendation, but will initiate the process of developing policy and a procedure manual for each division within 30 days.

Civil Grand Jury Recommendation #3:

Behavioral Health should supply a list of employees and current positions to the Grand Jury within thirty (30) days.

Response from Director of Behavioral Health Services:

Behavioral Health Services, the District Attorney, the Planning Department, the Probation Department and the Public Health Department did not initially respond to the written requests of the Grand Jury. All departments except Behavioral Health Services supplies some or all of the information after a second request.

Pursuant to Section 933.05(b) the finding (F3) and ensuing recommendation (R3) will not be implemented. The Behavioral Health Department staff names, phone numbers and positions are considered information distributed through the County Personnel Department. The nature of our work requires risk prevention, safety,

protection of staff who work with potentially explosive/violent individuals, confidentiality and adherence to privacy standards that not only apply to our clients, but also to our employees. Privacy rights and such disclosure for employees can only be authorized by the County Personnel Department.

However, in order to assist the Grand Jury, here is a list of authorized positions for the Behavioral Health Services Department:

Executive Director	1
Deputy Directors	2
Executive Secretary	1
System Administrators	3
Site Supervisors	4
Senior Psychiatrists	2
Psychologists	2
Nurse/Psych Technicians	3
Clinicians I/II	15
BHS Specialists	27
AOD Counselors	2
Quality Compliance Manager	1
Transportation Manager	1
Drivers	2
Extra Help Drivers	26
Health Assistants	12
Perinatal Health Care Assts.	2
Info Systems/IT Supervisor	1
Fiscal Tech/Assistants	7
Total:	114

Animal Control Procedural Complaint

Responses from the Agriculture Commissioner and Chief Animal Control Officer.

Civil Grand Jury Finding #1:

The Grand Jury found that the number of cases filed with the District Attorney has remained consistent over the years.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Response from Chief Animal Control Officer:

Agree with this finding. We file all cases that have enough evidence and elements for prosecution with the District Attorney.

Civil Grand Jury Finding #2:

The Grand Jury found that at times there can be as many as thirty (30) or more dogs in the shelter. We measured the kennels and found that they have a floor space of twenty-two (22) square feet and are 7 feet high. There is no legal requirement to exercise the dogs daily, although attempts are made to get as many dogs as possible to the exercise yard.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Response from Chief Animal Control Officer:

Agree with this finding. We have 18 kennels, and it is rare that we have more than 18 dogs in the Shelter. All dogs are put in the exercise area daily while their kennels are cleaned. Exceptions would be dogs with aggressive behavior. Recently we have implemented trustees from the Siskiyou County jail to clean, bathe, brush and walk dogs for 30 minutes each day (Monday – Friday).

Civil Grand Jury Finding #3:

The Grand Jury found that there is no legal requirement for the Animal Control Care Shelter to have volunteers.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Response from Chief Animal Control Officer:

Agree with this finding. We have had a volunteer program in place for the past several years and a current volunteer who has worked for the past two - three years.

Civil Grand Jury Finding #4:

The Grand Jury found that Animal Control personnel contact other shelters and community based animal groups to help find homes for adoptable animals. They have taken dogs to Oregon to shelters in hopes that homes can be found for them there. We commend the members of the Siskiyou County Animal Control for their concern and dedication.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Response from Chief Animal Control Officer:

Agree with this finding. Siskiyou County Animal Control prides itself in our adoption program, finding homes through local adoption and with the help of local shelters in Mt. Shasta and southern Oregon, as well as Dogs for the Deaf. We always hold animals longer than required by law, sometimes one to two months in order to find homes for them. I challenge any public or county shelter to even come close to our efforts in adoption at the Siskiyou County Animal Shelter.

Civil Grand Jury Finding #5:

The Grand Jury found that in one case a dog was not given medical treatment in a timely manner.

Response from the Agriculture Commissioner:

The Agriculture Commissioner disagrees with this finding.

Response from Chief Animal Control Officer:

Disagree with this finding. All dogs receive and are given treatment in a timely manner. The dog referred to in F5, I believe, is a dog we impounded in Hornbrook (reference paragraph "approach" in the complaint cover letter), that the complainant in this case ultimately adopted. This dog, a black Labrador mix male, was a very hyperactive dog that was moderately under weight. This dog required no veterinarian care or treatment when impounded; he only required training to help quiet him, and extra food to increase his weight. The complainant/adopter in this complaint apparently has very little experience or training in evaluating health issues and treatment requirements of animals; I have 18 years of professional experience in animal control, and I have impounded hundreds of sick and injured animals. I am very knowledgeable in the requirements for the treatment and care of animals.

Civil Grand Jury Finding #F6:

The California Animals Laws handbook was written to reflect the Hayden Bill and contains all the changes in the law.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Response from Chief Animal Control Officer:

Agree with this finding. The California Animals Laws Handbook is a book compiled of the laws pertaining to animals; we purchase a new edition annually.

Civil Grand Jury Recommendation #1:

All complaints of animal abuse or neglect should be investigated by Animal Control and case numbers should be issued. A report of animal abuse should be written up and processed through the District Attorney for prosecution.

Response from the Agriculture Commissioner:

Implemented. Reports of animal abuse that have substantial evidence or merit are processed through the District Attorney.

Response from Chief Animal Control Officer:

This recommendation is already in place. All complaints are investigated, and the ones that require prosecution (and that have the necessary evidence) are issued a case number and are forwarded to the District Attorney for consideration.

Civil Grand Jury Recommendation #3:

The County Agriculture Commissioner should create a volunteer program for the Animal Control Care Shelter.

Response from the Agriculture Commissioner:

Implemented. Volunteers are still welcome to serve at the Shelter. Due to budget constraints, we are utilizing Siskiyou County Jail inmates or trustees to clean the facility and exercise animals. We must have a County employee present for supervision at all times; therefore, we cannot utilize volunteers to substitute for the Shelter Technician.

Civil Grand Jury Recommendation #5:

Animal Control Officers should alert to the general health of the animal brought in. Regardless of the time of day, overtime, or medical costs, the immediate care of the animal should be the only issue.

Response from Chief Animal Control Officer:

This recommendation is already in place. Animal Control Officers and Shelter Staff are always concerned with the health and welfare of all animals in our care. We take animals requiring immediate care or treatment to local veterinarians; this

includes weekends and evenings, as required. Animals not requiring veterinarian care or treatment are cared for and treated at our Shelter through advice and medications from licensed veterinarians.

Animal Control Oversight

Responses from the Agriculture Commissioner.

Civil Grand Jury Finding #1:

The Commissioner of the Department of Agriculture stated that Animal Control Department has no policy or procedures manual.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Civil Grand Jury Finding #2:

The Grand Jury found that the statistics for Animal Control are tracked yearly and cover only the most basic information.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Civil Grand Jury Finding #3:

Job descriptions for Animal Control are poorly written, contain outdated information and fail to give even the basic guidance to the employee.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Civil Grand Jury Finding #4:

The Grand Jury found that even though Siskiyou County is the size of the State of Massachusetts, it has only two Animal Control Officers. Response to remote areas can take one officer an extended period of time. The size of the County also reduces the ability of officers to respond to other areas in an emergency.

Response from the Agriculture Commissioner:

The Agriculture Commissioner agrees with this finding.

Civil Grand Jury Finding #6:

The Grand Jury found that Animal Control Officers use fifty (50) watt radios. The radios are channeled through the County Road Department and dispatched through the Care Shelter. The radios are under-powered and are subject to dead spots. This put the Animal Control Officer in danger during calls. These radios can be replaced with 110 watt radios that could solve most of the problems.

Response from the Agriculture Commissioner:

The Agriculture Commissioner disagrees with this finding.

Civil Grand Jury Recommendation #1:

The Commissioner of the Department of Agriculture should establish a policies and procedures manual for the Animal Control Department.

Response from the Agriculture Commissioner:

Policies and procedures for the Animal Control Officer are provided in the California Animal Laws Handbook. Department has Shelter, Adoption, Licensing Procedures in place.

Civil Grand Jury Recommendation #2:

The Commissioner of the Department of Agriculture should establish a monthly statistical spread sheet covering all aspects of the Animal Control Program.

Response from the Agriculture Commissioner:

Department will develop a more inclusive statistical document as resources are made available.

Civil Grand Jury Recommendation #3:

The Commissioner of the Department of Agriculture should write clear and concise job descriptions of all employees of Animal Control.

Response from the Agriculture Commissioner:

Department agrees that the Animal Control Officers' job descriptions need to be updated, including P.O.S.T. certification and P.C. 832 arrest and search, and seizure and firearms training for officers. Also, the Shelter Technician job description should be updated to include knowledge of animal care and behavior, veterinarian assistance when necessary, and supervisory responsibility of jail trustees.

Civil Grand Jury Recommendation #4:

The Commissioner of the Department of Agriculture should expand the staff at Animal Control.

Response from the Agriculture Commissioner:

When economy improves and reductions in force is no longer an issue, expansion of staff will be explored.

Civil Grand Jury Recommendation #6:

The Commissioner of the Department of Agriculture should change the radios from 50 watts to 110 watts.

Response from the Agriculture Commissioner:

Public Works communication may provide 110-watt radios for our officers.

Civil Grand Jury Recommendation #8:

The Commissioner of the Department of Agriculture should establish a plan for collecting fees for dog licenses in the County. This plan should include procedures to ensure that letters sent out requesting compliance with County Ordinances are enforced.

Response from the Agriculture Commissioner:

Modify Ordinance to facilitate prosecution. Ag Commissioner will meet with County Counsel regarding the misdemeanor vs. infraction issue. Infractions get no jury trial, which is what we want. Current Ordinance states misdemeanor.